THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21159 OF 2003

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DATED 02.12.2005

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BETWEEN

Sri R.Raja Subramanian, S/o Sri Ramdurai Manian,

R/o 6-3-1201 (new No.255), Kundanbagh, Begumpet,

Hyderabad. Rep by his GPA Mr.Ramdurai Manian.

… Petitioner

and

The Mandal Revenue Officer, Pudur Mandal, RR District

And others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21159 OF 2003

ORDER:

The petitioner claims that he is the owner of agricultural land admeasuring Acs.3.00 having purchased the same under registered sale deed dated 09.01.1974. The first respondent initiated action under the provisions of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity). By proceedings dated 10.01.1997, the first respondent declared the purchase by the petitioner as null and void under Section 3(1) of the Act. Aggrieved by the same, the petitioner preferred appeal

before the second respondent under Section 4-A of the Act unsuccessfully. Therefore, the petitioner preferred revision under Section 4-B of the Act against the order of the second respondent dated 23.04.1998 before the third respondent, who by impugned order dated 06.09.2003 dismissed the revision petition.

In assailing the impugned order, the learned counsel for the petitioner strenuously contends that the petitioner's purchase was on 09.01.1974 prior to coming into force of the Act and therefore the authorities under the Act have no jurisdiction to order resumption of the land. Secondly, he would urge that the petitioner has raised as many as nineteen grounds of appeal before the third respondent but without considering any of the grounds, the third respondent dismissed the revision which is illegal. Lastly, he would urge that the land purchased by the petitioner comprised in Survey No.72/3 is not assigned land and the finding recorded by the authorities against the petitioner is unsustainable.

A reading of the impugned order of the Joint Collector would show that when the revision petition filed by the petitioner was taken up for hearing, neither the counsel nor the petitioner was present before the third respondent. Therefore, the third respondent passed *ex parte* order based on the record. Having regard to this and also on perusing the various documents produced before this Court by the petitioner, this Court considers it appropriate to set aside the order of the Joint Collector and remit the matter to Joint Collector for fresh disposal. There shall be an order accordingly. The petitioner is given one week time from the date of receipt of copy of this order to approach the third respondent. The third respondent then shall hear the matter and pass appropriate orders in accordance with law after considering the contentions of the petitioner.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

02.12.2005.

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